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09/804,735	03/13/2001	Kannan Srinivasan	696.002	2033
35195 7590 04/29/2009 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143				
EXAMINER				
JANVIER, JEAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Non-Responsive Communication

This is a response to the amendment filed on 12/24/2009.

Newly submitted claims 21 and 30 are directed to an invention that is independent or distinct from the invention originally claimed in claims 1 and 20 for the following reasons:

Original claims 1 and 20 were related to a process for randomly sampling visitors to an Internet website according to configuration data and determining an optimal advertisement wherein the determination of the optimal advertisement involves real-time learning from the dynamic analyses of the configuration data.

New claims 21 and 30 recite, inter alia, an application server configured to perform business logic, a manager console, a dynamic advertisement system, wherein the dynamic advertising system comprising a server module including a dynamic sampling engine and a logic module, wherein, during an experiment, the ecommerce system and the dynamic advertising system are configured to:

- (a) receive input experimental parameters at the manager console to configure the experiment, wherein the input experimental parameters comprise a sampling strategy;
- (b) receive the input experimental parameters at the dynamic sampling engine, wherein the dynamic sampling engine produces and outputs a plurality of experimental advertisements according to the input experimental parameters;
- (c) **respond to web page requests received at the web server from customers by passing a sample of the web page requests through the application server to the dynamic sampling engine according to the input experimental parameters.** wherein the dynamic sampling engine samples via the web server randomly distributing web pages comprising the plurality of experimental advertisements, one of the plurality of experimental advertisements being output per received user web page request in the sample of the web page requests;
- (d) utilize the logic module to determine a quantifiable interest for each of the plurality of experimental advertisements;

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Since Applicant has received an action on the merits for the original invention presented in claims 1 and 20 and since there are no other pending claims to examine here, the current claim amendment is said to be defective. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is herein given one month (30 days) to respond to this correspondence.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. James Myhre, can be reached at (571) 272-6722.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

04/26/09

/Jean Janvier/

Primary Examiner, Art Unit 3688